

REMARKS/ARGUMENTS

Claims 1-9 are currently pending in the application. Claims 8 and 9 stand rejected under 35 U.S.C. § 101, as allegedly directed to non-statutory subject matter. Claims 1-9 stand rejected under 35 U.S.C. § 112 as allegedly indefinite. Claims 1-9 stand further rejected under 35 U.S.C. § 102, as being allegedly anticipated by Murayama et al., U.S. Patent No. 5,784,274.

Responsive to the Office Action mailed June 15, 2007, applicant has amended the claims of the application in an earnest effort to place this case in condition for allowance. Specifically, claim 1 has been amended, while claims 2, 8 and 9 have been cancelled. Reconsideration is respectfully requested.

In the Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. § 101, as purportedly being directed to non-statutory subject matter. While Applicant does not agree that prior claims 8 and 9 are directed to non-statutory subject matter, in an effort to expedite the prosecution of the pending application, Applicant has cancelled both claims from the present application. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. § 101 are now moot, and should be withdrawn.

The Examiner rejected claims 1-9 under 35 U.S.C. § 112 as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner indicated that the recitation of the phrase "or the like" in claims 1, 8 and 9 rendered those claims, and claims dependent on them, indefinite. Applicant

has deleted the recitation of the phrase "or the like" from claim 1, and claims 8 and 9 have been cancelled.

The Examiner further alleges that it is unclear what data "concerns chemical safety," as previously recited in the claims in connection with an intended application of the claimed system. While Applicant respectfully submits that the nature of data concerning chemical safety is well-known to a person of ordinary skill in the art, in order to expedite the prosecution of the application, Applicant has amended the preamble of claim 1, to further clarify the nature of an intended use of the system components.

Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. § 112 are now moot, and should be withdrawn.

The claims stand further rejected under 35 U.S.C. § 102, as being purportedly anticipated by Murayama, U.S. Patent No. 5,784,274. Murayama discloses a system for monitoring errors occurring in a duplexed data communications system. The Murayama system includes performance monitoring units, each of which counts the number of errors observed on a speech path.

However, while the performance monitoring units in Murayama count errors that take place, the invention of Applicant's amended claim 1 is directed to an entirely different form of operation. For example, the check programs required by claim 1 operate to detect changes in the application programs themselves, not errors in their operation. By contrast, the system of Murayama detects errors in operation.


Furthermore, the inspection conducting means of claim 1 responds differently based upon a further evaluation of whether or not a change identified by the check programs affects system operation. For example, in exemplary embodiments, the determination of whether there is a change which affects system operation involves setting a reference range of criteria, such as, e.g., slight changes in font size or color, which are deemed not to affect system operation. The frequency with which a system must be manually evaluated can be greatly reduced by avoiding the automated flagging of changes that do not affect system operation. By contrast, Murayama does not appear to distinguish amongst types of detected events, in the manner required by Applicant's claim 1.

For at least the reasons stated above, Applicant submits that the Murayama reference does not anticipate Applicant's claim 1. Accordingly, claim 1 should be deemed patentable. Remaining pending claims 3-7 recite additional significant structure detail to further distinguish over the cited art.

In view of the foregoing, formal allowance of claims 1 and 3-7 is believed to be in order and is respectfully requested. Should the Examiner wish to speak with Applicant's attorneys, they may be reached at the number indicated below.

It is believed that no additional claim fees are due as a result of the present amendments. However, the Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,



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